

Psychology and its Response to Major Human Rights Abuses: The Case of Australian Immigration Detention

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Australian Immigration Detention

In 2017, 68.5 million people were forcibly displaced. Of these people, 25.4 million were refugees and 3.1 million asylum seekers (UNHCR, 2018). Those seeking safety often face numerous adverse experiences. In addition to a range of traumatic experiences in their countries of origin, dangerous journeys and protracted uncertainty in camps or third countries, there has been a growing hostility toward migration more generally, often from countries who are best positioned to help. While this has been a global phenomenon, Australia has demanded complete impenetrability of its borders for over two decades. Below I will discuss these policies, the involvement of Psychologists and how I believe they should respond.

Australian immigration detention was introduced in 1992. Onshore detention centres have been maintained since this time, while offshore detention centres on Manus Island (Papua New Guinea) and Nauru were introduced in 2001, repealed and then re-introduced in 2012 (Phillips & Spinks, 2013). While anyone without a valid Australian visa can be detained for an indefinite amount of time, the most punitive elements of this policy have targeted refugees and asylum seekers and particularly those who have travelled to Australia by boat. Offshore detention was re-introduced in 2012 explicitly as a deterrent to further boat arrivals (Abbott, 2013; Dutton, 2015; Morrison, 2014a, 2014b, 2014c; Rudd, 2013). That is, the Australian government detains men, women and children seeking Australia's protection in environments where violence, sexual and physical abuse, self-harm and suicide have all been well documented as a means of deterring further people travelling to Australia (Australian Parliamentary Select Committee, 2015; The Guardian Australia, 2016). The suffering produced by these policies is deliberate

and completely avoidable. This has led a number of authors to draw comparisons between these policies and torture (Berger, 2016; Bouchani, 2016; Doherty & Hurst, 2015; Essex, 2016d; Isaacs, 2015a; Perera & Pugliese, 2015; Sanggaran & Zion, 2016). Others have described these policies as “state-sanctioned... child abuse” (Owler, 2016) and “a crime against humanity” (Doherty, 2017).

Australian immigration detention has long been criticised by human rights organisations both domestic and internationally. In late 2014, the UN High Commissioner for Human Rights, raised concerns about Australia’s policies of offshore processing and boat turn-backs, noting that these were “leading to a chain of human rights violations, including arbitrary detention and possible torture following return to home countries” (Al Hussein, 2014, ¶ 48). Shortly after, the UN Committee against Torture released its periodic review which again cited concerns about offshore processing (United Nations Committee against Torture, 2014). In 2015 the Special Rapporteur on torture and other cruel, inhuman or degrading treatment of punishment found that Australia’s policy of offshore processing had systemically violated the convention against torture, more specifically violating the “right to be free from torture or cruel, inhuman or degrading treatment” (Mendez, 2015, p. 8).

For over 25 years the government has been belligerent and combative in the face of criticism and has continued to consolidate its power to administer these policies. Under the Australian constitution, immigration detention is considered administrative detention. That is, it is administered by the executive rather than the judiciary. Such detention is legal as long as it is not used as a form of punishment. Despite what was outlined above, the High Court of Australia has found the indefinite mandatory detention of men, women and children to be legal and not constitute punishment (Al-Kateb v Godwin, 2004). Since its introduction the government has expanded its power, further shutting out the judiciary and leaving little room for legal redress. Additionally these policies have received support from both major political parties, limiting political reform, as discussed by Grewcock (2013, p. 11):

...both the ruling Labor party and the opposition Liberal-National party coalition share a mutual disdain for the arrival of any new boat bringing refugees into Australian waters, distinguishing themselves only by a willingness to blame the other for allowing

such breaches of Australia's forward defences or indulging in squabbles over the impact of government policy on refugee movements in the region. While this occasionally throws up superficial differences in emphasis about how best to 'stop the boats', there is, fundamentally, a high level of bipartisan agreement that unauthorised refugees should be deterred through measures such as the mandatory and indefinite detention of all unauthorised non-citizens; the use of offshore processing; extensive naval interdiction programmes; and a punitive anti-people-smuggling regime.

Despite near legal impunity and despite the power held over Australian immigration detention, the government has also sought to limit oversight and increase secrecy in relation to Australian immigration detention. The Border Force Act (2015) was passed on the 1st July 2015 with bipartisan political support. For 15 months it outlawed current and former employees speaking about any aspect of their employment in detention. Only after ongoing protest, with this legislation creating controversy where the government wanted none, was it quietly amended to allow clinicians (including Psychologists) to speak out (Doherty, 2016a; Hutchens, 2017; Newhouse, 2015).

The Border Force Act was not the only means employed by the government to attack information they saw as unfavourable. Journalists have had little to no access to centres (Jabour & Hurst, 2014). The offices of contractors have been raided and their equipment seized in attempts to find journalists sources (Farrell, 2015b, 2015c). The government has also referred journalists and clinicians who have spoken about the conditions within detention centres to the Australian Federal Police (Farrell, 2015a, 2016). Attacks have extended to the Australian Human Rights Commission (AHRC). After the release of the AHRC (2014) Forgotten Children Report, which found that "[t]he mandatory and prolonged immigration detention of children is in clear violation of international human rights law" and that immigration detention had "profound negative impacts on the mental and emotional health of children" (p. 29), the government called for the resignation of the Commission's President, Gillian Triggs (Borrello & Glenday, 2015). This disdain for human rights extends beyond Australia with the former Prime Minister Tony Abbott attempting to deflect international criticism by suggesting that "Australians are sick of being lectured to by the United Nations" (Kozaki, 2015, ¶ 5).

Responses from Psychologists and the Australian Psychological Society

Healthcare is provided within Australian immigration detention centres by a private company, International Health and Medical Services (IHMS). IHMS employs a range of healthcare professionals, including Psychologists and has held the contract to deliver health services in immigration detention since 2007. Psychologists have therefore had a central role working within immigration detention centres.

Delivering healthcare in Australian immigration detention has been described as a Sisyphean task (Joint Select Committee on Australia's Immigration Detention Network, 2012). As can be imagined from the above introduction, in addition to having a devastating impact on the health and wellbeing of those detained Australian immigration detention also changes the nature and scope of healthcare. The principles that underpin clinical and ethical decision making in more orthodox settings are either absent or compromised with this transformation going beyond simply falling to meet generally accepted standards of clinical practice (Essex, 2016a, 2016b). Psychologists (and other clinicians) have long documented the near futility of providing care in these environments. This mental health professional was quoted during the Australian Council of Heads of Schools of Social Work People's Inquiry (ACHSSW, 2006, p. 44), little has changed since this time:

You could have the Rolls Royce of mental health services in Baxter and I don't think it would make a scrap of difference, because the environment is so toxic that you can't treat anything meaningfully. I think that half a dozen of the most damaged people that I've ever seen are the adults that I've seen in Baxter and Woomera, both parents and single men. The thing is that it is all caused by being in detention. Provided you get them in time, you take these people out of detention and they're not depressed any more. Of course the interpretation of that from DIMA is to say they're putting it on, "Isn't it convenient for them, the thing that was going to cure them from their depression is taking them out of detention." The reason it's going to cure them is because detention is a place that drives people mad and yeah, they want to get out of the place that is driving them mad.

Psychologists have also taken action outside of detention. The inadequacy of simply working within the system have not gone unrecognised. This action has taken a range of forms but broadly has included protest, advocacy, research and whistleblowing (Doherty, 2016b; Tazreiter, 2013). Psychologists have formed a small but important part of a larger chorus of criticism outside of detention and in calling for broader social and political change.

Along with a range of other professional healthcare bodies, the Australian Psychological Society (APS) has also called for change. The APS (2011) Position Statement on the Psychological wellbeing of refugees and asylum seekers in Australia, like statements from other bodies, sets out to do at least two things, make explicit the position of the APS and provide guidance in relation to these issues. The APS calls on the Australian government to meet its human rights obligations and uphold the fundamental right of refugees to seek protection. It calls for immigration detention to be used only as a short term option and not in offshore or remote locations. The APS opposes the detention of children. They have also notably framed their position statement more broadly than other professional bodies, avoiding the discussion of how clinicians should manage the dilemmas faced while working within immigration detention. The position statement instead raises concerns about the impact of xenophobia and racism, along with their consequences for health and wellbeing. The APS calls for national debates on policies such as immigration detention and for the government to refrain from actions and comments that inflame negative sentiments toward refugees and asylum seekers. They also promote Psychology's role in assisting Australian residents in adjusting and responding to refugee migration (e.g., understanding contributions refugees make, developing awareness of human rights obligations, de-bunking myths and misperceptions, and assisting them with any concerns), and promoting community-level responsibility for positive inter-ethnic relationships, understanding, collaboration and unity.

[The Need for an Adversarial Approach](#)

The first and most obvious reason as to why Psychology needs to reflect on its current approach to Australian immigration detention is that people remain detained, people continue to suffer and the government remains recalcitrant. Psychologists also remain central to the operation of

these centres. Another reason is that Psychologists are too often involved in human rights abuses. Even recent history shows, responses from Psychologists and professional bodies have not only been inadequate, they have resulted in collusion with abuses (Boyd, 2015).

So what can be taken from the current approach of Australian Psychologists toward immigration detention? First, little will be achieved from working within the system. This is well established. This is not to say that Psychologists should not be involved (and the debate in relation to a boycott is beyond the scope of this article) (e.g., Berger & Miles, 2016; Essex, 2018; Jansen, Tin, & Isaacs, 2017; Sanggaran, 2016) however such involvement is unlikely to lead to justice or redress for the many and ongoing rights abuses. This is why it is encouraging that the APS has framed its position statement broadly, debates are needed, racism and xenophobia are a problem and Psychologists should have a leading role in public discourse. However simply calling for change often does little to remedy these issues. In fact, discussion on what to do, particularly in the face of a recalcitrant government have evolved little beyond McNeill's (2003, p. 501) recognition of this fact over 15 years earlier:

The acceptable public health strategies of disseminating information and advocacy may not be enough. Something more is needed. Not violence – although the Australian Government has resorted to it – for the obvious reason that in resorting to violence we become the perpetrators of harm ourselves. Reasoned advocacy may not be sufficient. It is time for a more passionate response... These actions may go beyond dissemination of information and reasoned advocacy, and could include any number of political activities including: participating in demonstrations, direct lobbying of government members and political parties, and withdrawal of services.

While since this time, demonstrations, sit-ins, protests and whistleblowing has occurred, the literature has remained relatively stagnant in its approach, largely focusing on the role of clinicians within Australian immigration detention centres. While this is of course necessary and there remains is a need to provide support to Psychologists in these environments, this appears to have largely distracted from strategies that deal with the complexities of social and political and change. Greer et al. (2017, p. 40) discuss this frustration more generally:

Numerous ‘calls to action’ exist in the literature, alongside calls for ‘political will’. Still more articles identify problems but offer at most policy recommendations that go unheard beyond our paywalls, as if the politicians were to blame for not reading our journals and inferring what to do. This reveals a weak understanding of politics. Public health professionals would not, for example, call for ‘individual will’ as a solution to obesity. Nor should we call for political will as a solution to policy problems.

In moving toward a more sophisticated approach it is useful to turn to a distinction drawn by Raphael (2009) who suggests two possible avenues for action, “professionally-oriented rational or knowledge-based approaches” and “social and political movement-based materialist or political economy-oriented approaches” (p. 145). Professionally-oriented approaches entail “research, knowledge dissemination, and public policy advocacy with the aim of convincing policymakers to enact health-supporting public policy” (p. 160) and assume that governments will be receptive to ideas, whereas a movement based approach recognises powerful interests that may be resistant to such ideas and “suggests the need for developing strong social and political movements with the aim of forcing policymakers to enact health-supporting public policy” (p. 160). Raphael (2009) argues that a movement based approach is more effective when attempting to shift “liberal political economies” (p. 161).

Given the circumstances found in Australia, in particular the limited avenues for legal and political redress, including the governments’ recalcitrant attitude, a movement based approach should be pursued. Psychologists (and other healthcare professionals) should re-orient their approach accordingly. Some clinicians have already taken such action. It was only recently that a boycott was debated, in large part because it appeared as though all other options had been exhausted (Berger & Miles, 2016; Essex, 2016c; Jansen et al., 2017; Sanggaran, 2016). Doctors have also been involved in civil disobedience and disruption (Essex & Isaacs, 2018; Isaacs, 2015b). While Professional bodies have typically supported such action there has been a reluctance to fully embrace more adversarial approach with little leadership in this area (Laughland & Davey, 2014; Safi & Farrell, 2015). Often overlooked as it relates to Australian immigration detention, the social movements literature has the scope to not only better explain how Australian immigration detention is currently approached, but also applying these lessons to future responses.

Protest and Social Movements

Social movements form in the face of injustice and recognise that change must be fought for. Social movements can be defined as “collective challenges, based on common purposes and social solidarities, in sustained interaction with elites, opponents, and authorities” (Tarrow, 2011, p. 9). In short, social movements are collective sustained action that attempt to bring about social, cultural or political change (Della Porta & Diani, 2009, 2015; Martin, 2015). The relationship between human rights and social movements goes beyond simple legal aspirations, with this relationship best summarised by Nash (2015, p. 11):

Social movements have a crucial role to play in constructing human rights if they are to be realized in practice. Rights are never effective simply because they are legal rights. Enjoying human rights in practice depends on how people use them—on what they claim, and how they make rights claims. This, in turn, depends on collective identity, on the pressure that people bring to bear because they have a “right to rights”—even where they do not have rights in law, or law is administered unjustly... Collective action is needed at every level if human rights are to make a real difference. Grassroots organizing is necessary if people are to be able to define human rights in ways that are appropriate to dealing with the injustices they face.

The social movements literature is large and diverse, theorising all aspects of movements including the action they employ, how they gain and galvanize support and how they respond to political threats and opportunities (Tarrow, 2011, 2013). While Australian immigration detention has galvanised a number of social movements and has been one of the most contentious political issues in Australia, the literatures on these respective topics have rarely met. Exceptions include Tazreiter (2010) who provides a descriptive account of social movements in response to the Howard government in Australia from 1996-2007 and Gosden (2006) who also examines the rise of an asylum seeker and refugee advocacy movement. There is scope for greater engagement with this literature and a need to connect it to action that has already been undertaken. There are a number of reasons for this, but most importantly because it provides a foundation on which future action can be evaluated and planned.

More specifically, how could social movement theory inform a response to Australia's policies? Social movement theory first and foremost provides a more sophisticated vocabulary to describe social and political action. It moves beyond describing a lack of political will or a simple repertoire of action, identifying important elements of movements and introducing concepts such as political opportunities, threats and cycles of contention.

Social movement theory allows for reflection on the type of action employed and the reasons for doing so. Movements don't simply cycle through action, moving from one attempt to the next until something works. Civil rights were not won by simply staging boycotts. Movements employ a range of action, all of which have different impacts, but that also come with different trade-offs. Disruptive action for example, while drawing attention to a cause, may only serve to further polarise those on either side of the debate. This is perhaps best evidenced by refugee protest within detention (Fiske, 2013, 2016). While it may garner sympathy from those who already support more humane policy, others have used refugee protest to reinforce their position, that such protest is one of the reasons why detention is needed. More contained action, which is likely to attract less committed supporters and thus larger numbers, while less risky, may simply go unnoticed. For example, the recent Palm Sunday rallies across Australia, while large, failed to garner any significant media attention (SBS News, 2018). Beyond this social movement theory also explores how movements organise and network, how they frame their grievances and utilise emotion to gain new supporters and galvanize existing support, how they exploit political opportunities and respond to political threats. Below two recent examples that touch upon many of these areas are discussed through the lens of social movement theory.

Whether action is successful or not depends on a range of external factors, some more controllable than others. For example, (and as was briefly discussed above) after the AHRC Forgotten Children Report (2014) was released the government went on the attack, calling for the resignation of the then Commissioner, Gillian Triggs (Borrello & Glenday, 2015). This report, while shocking, said little that wasn't already known about the impact that detention had on children and families. So why was there such a vitriolic reaction that inevitably increased the profile of this report? There were a number of external factors that explain this. The government at the time were on the defensive, attempting to justify their policies against ongoing reports of violence, assault, riots, self-harm and suicide. The then Prime Minister was

particularly sensitive to criticism, blaming the current circumstances on the previous government and even dismissing international calls for reform (Kozaki, 2015). This report came at a time when the government was actively attacking the credibility of alleged whistleblowers and was soon to pass the Border Force Act (Doherty & Davidson, 2016; Farrell, 2015b, 2015c). The focus of this report was also a more vulnerable group (children and families) where public emotions could more easily be tapped. Thus, it was not the report itself which added anything shockingly new to the debate, but a range of external factors that led to this report gaining significant attention. Through the lens of social movement theory the governments particular sensitivity to criticism could be seen as an opportunity, to further promote the harms of these policies and generate further pressure. While protests ensued after the release of this report and children were eventually released from detention in May 2016 (DIBP, 2016), one can only speculate the impact of a more coordinated action.

Another important and relatively impactful campaign was the #LetThemStay campaign (Hall et al., 2018) which was launched in February 2016. National protests were staged against the transfer of 267 asylum seekers, including 54 children and 37 infants, from Australia to Manus Island (in Papua New Guinea) and Nauru. This action occurred at the same time of a High Court challenge into the legality of offshore detention and a hospitalised infant who became known as Baby Asha (Essex & Isaacs, 2018). Flown to Brisbane after being accidentally burnt, Doctors at Lady Cilento Hospital in Brisbane refused to discharge her to be returned to Nauru. The media promoted this case and a protest mobilized outside of the hospital around the clock for 10 days, placing the government under increasing pressure to honour the Doctors refusal to discharge (Hall et al., 2018). A number of things can be learnt from this case. Like the AHRC Report, a political opportunity was exploited. However most importantly in this case, this opportunity was communicated to others, the media and those already sympathetic to this cause. This only further leveraged the Doctors power in refusing to discharge. What this example also shows is that without the media or the mobilisation of the broader #LetThemStay campaign, the actions of these Doctors may have gone unnoticed. This is a particularly important point, clinicians have often effectively utilised their already powerful positions by engaging with the media. Doctors4Refugees are another organisation who have taken similar steps. Doctors4Refugees President, Barri Phatarfod provided this account:

One of the first cases we successfully advocated for was that of an 11-year-old boy who sustained a double fracture of his forearm when he fell off his bicycle in Nauru in 2015. The hospital plastered it up and sent him on his way, but after two weeks when he still experienced debilitating pain his mother contacted us with his X-rays. Doctors for Refugees obtained the opinions of various Australian specialists, including paediatricians, orthopaedic surgeons, radiologists and emergency physicians, who all reached the same conclusion: this boy needed an urgent surgical repair (ORIF) to avoid permanent disability and that the time to do this had almost passed. When the Immigration Department essentially fobbed us off, with the permission of the boy's mother we went to the media – complete with the X-ray. The result was quite astounding. Within a week the Government flew an Australian orthopaedic surgeon (and an entire operating theatre) to Nauru to do the requisite surgery on this young boy. The absurdity of this expense aside, this appeared to be a successful outcome and almost immediately our group was inundated with requests from others to similarly assist them (Phatarfod, 2018, pp. 15-16)

Before moving forward there are some potential criticisms that should be addressed. The first being that more adversarial action, to this point, has not lead to change. Australia's policies remain, rights violations are ongoing and even in the case of Baby Asha, the family was eventually returned to Nauru (Hall et al., 2018). This is of course is a reasonable position to take, however it should also be said that other movements that have historically (and many to this day) pushed for equality and justice, such as the civil rights movement, feminist movements, the anti-apartheid struggle in South Africa, have all demonstrated that social change does happen, but often over long periods of time and in a nonlinear fashion. Social movement theory is thus not a silver bullet, it doesn't offer immediate solutions or a blueprint for success.

Why should Psychologists engage in such action? First there is a moral case. The harms of this system and the government's refusal to act on evidence have already been outlined, few would deny that these circumstances are exceptional. Psychologists have also played a central role in allowing this system to function, providing healthcare within centres. They thus have a particular responsibility to take action, which is only amplified by the close relationship between health, human rights and justice. There is also another good reason. There is substantial empirical evidence concerned with social change and collective action, most of

which has come from psychological research. There are few other professionals who are better skilled to begin to deal with these questions. Psychologists should be familiar with how emotions, beliefs and behaviours impact attitude and how these may be shifted. There is a growing body of work that has examined strategies to challenge prejudice and build community cohesion and ultimately solidarity with refugees and asylum seekers (Subašić, Reynolds, & Turner, 2008). Other research has focused on collective action (Louis, 2009) including why people engage in (Fielding, McDonald, & Louis, 2008; Thomas & Louis, 2013; Thomas, McGarty, & Mavor, 2009b) and persevere with collective action (Thomas, McGarty, & Mavor, 2009a). Research has also explored the impact of different types of collective action (Thomas & Louis, 2014), how objectives (or demands) are shaped and pursued (Blackwood & Louis, 2012) and how social movements network and organise (McGarty, Thomas, Lala, Smith, & Bliuc, 2014). Closely related to the #LetThemStay campaign above, there is also a substantial literature which has examined the role of the media in creating and shaping opinion in relation to asylum seekers and refugees (McLaren & Patil, 2016). Such breadth of research in this area re-enforces the moral responsibility to take action. Additionally, it also puts Psychology in a position to respond with action that is based on empirical evidence and theory.

Beyond Australian immigration detention and Australian Psychologists, the social movements literature has broader relevance. Migration throughout Europe has become increasingly contentious with governments taking increasingly harsh measures to stop people crossing borders (Walker, 2018a). Immigration detention has also proliferated, increasingly become the go to option for many states (Blomfield, 2017; Bosworth & Fili, 2016; Mainwaring, 2016). Furthermore, European governments or those seeking power have expressed a growing disdain for the rights of migrants and for those defending them (Walker, 2018b). More generally, throughout Europe and globally, at a time which has been characterised by the growth of populism and xenophobia (Roth, 2017) and where evidence and reasoned argument appear to be under increasing threat, Psychology is well positioned to take a central role in fighting for health, justice and human rights.

Conclusions

Psychologists can and should engage in more adversarial action in the face of human rights abuses, particularly when those in power are unwilling to listen and other more orthodox forms

of action have been exhausted. This applies not just in Australia but globally. While I expressed this article expressed scepticism about calls to action, this conclusion is, somewhat ironically, just that. This call to action however should only be the beginning with substantial scope to further our understanding of how Psychologists may contribute to social change. A more sophisticated understanding and engagement with politics is needed as is a shift in how Psychology views itself in the face of authority. Future work should also be informed by history, one does not have to look far for a repentant literature that attempts to make sense of atrocities in which Psychology has played a part. And finally, for those outraged, take to the streets, consider how your skills may be used in combatting human rights abuses and in pursuing the greater good.

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